

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Allan J. Lepine
Title : METHOD OF ADMINISTERING A MILK SUBSTITUTE TO
CRITICAL CARE ANIMALS
Docket No. : IAM 0498 NA

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Please preliminarily amend the above-identified application as follows.

CLEAN VERSION OF AMENDMENTS

IN THE SPECIFICATION

At page 1 after the Title, please insert the following:

--CROSS REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Application Serial No. 09/362,401 filed July 28, 1999 which is a Continuation-in-Part of U.S. Application Serial No. 09/163,778 filed September 30, 1998.--

IN THE CLAIMS

Please cancel claims 2 and 13-36.

Please amend claim 1 as follows:

- 1.(Amended) A method for providing nutrition to a critical care canine comprising:
administering to said canine an amount of an artificially produced canine milk substitute composition comprising, on a dry matter basis, from about 35 to 45% protein, from about 25 to 35% fat, and from about 10 to 25% carbohydrates; wherein said protein comprises casein and whey in a weight ratio of about 70:30.

REMARKS

The present invention is directed to a milk substitute for providing optimum nutrition and energy to a critical care canine, i.e., a canine which has been injured or which has suffered from illness or major surgery. The milk is specifically formulated to include amounts of protein, fat, carbohydrates, and a ratio of casein and whey which closely match the nutrient profile of actual bitch milk. The milk substitute is believed to provide optimum energy and nutrition necessary for management of critical care canines.

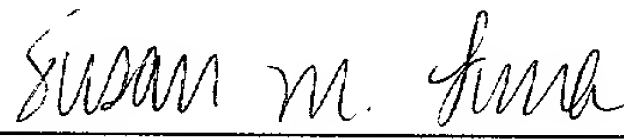
In the parent application, the Examiner rejected claims 1 and 3-12 based on primary references Kakade, U.S. Patent No. 4,614,653 and Irvine et al., U.S. Patent No. 4,692,338. Kakade teaches a milk replacer for young animals such as farm animals, while Irvine et al. teach a milk substitute for calves, lambs and piglets. Neither of the references teach a milk substitute specifically formulated for critical care canines, nor do they teach or suggest a milk substitute which is formulated as claimed to match the nutrient profile of bitch milk.

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Therefore, Applicant respectfully submits that claim 1, as amended, and claims 3-12 are patentable over the prior art of record. Examination on the merits of the claims in this continuation application is respectfully solicited.

Respectfully submitted,

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1.(Amended) A method for providing nutrition to a critical care canine comprising:

administering to said canine an amount of an artificially produced canine milk substitute composition comprising, on a dry matter basis, from about 35 to 45% protein, from about 25 to 35% fat, and from about 10 to 25% carbohydrates; wherein said protein comprises casein and whey in a weight ratio of about 70:30.